

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
Arbitration Application No.176 of 2005

Meecon Pvt.Ltd.	Applicants
Vs.	
Neptune Marine Pvt.Ltd.	Respondents

Mr.Gautam Ankhad i/b Aswhin Ankhad & Associates for applicants.
Mr.B.Colabawala i/b Amarchand & Mangaldas & Suresh A.Shroff & Co. for respondents.

CORAM: B.H.MARLAPALLE, J.
February 10, 2006.

P.C.

. Pursuant to the arbitration award passed by the sole arbitrator (Hon'ble Shri Justice Suresh) on 14th January 2005 in respect of the disputes referred for arbitration between the parties, the present applicants came before this Court in Arbitration Lodging No.244 of 2005 and the same was disposed off on 16-5-2005 by certain directions and consequently the applicant has taken the possession / delivery of the equipments and machineries as listed in Exhibit "C" to the earlier petition and it appears that the applicant found certain parts missing. This gave rise to the applicant's notice dated 6-7-2005 to the respondent through their Advocates for referring the claim of Rs.66 lakhs for arbitration on account of loss / damage caused to the machinery and equipments. By the said notice the applicant had suggested the

name of Hon'ble Mr.Justice Suresh (Retd.) as the sole arbitrator and in this application also the applicant prays for the very same appointment.

. The respondent-company has filed reply and opposed the name suggested by the applicant. The respondent had suggested the names of three other Hon'ble Retired Judges and finally by consent of the parties Hon'ble Mr.Justice M.S. Rane (Retd.) is hereby appointed as the sole arbitrator to adjudicate the claim of the applicant raised vide its notices dated 6-7-2005. All legal issues including the preliminary issues between the parties are left open to be argued and decided before the arbitrator. The parties to appear before the arbitrator within three weeks and finalise further terms of arbitral proceedings including the time span and fees etc.

. The application is disposed off in terms of the above order and the Registry is directed to forward a copy of this order to Hon'ble Mr.Justice M.S.Rane (Retd.) forthwith.

(B.H.MARLAPALLE,J.)